

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

OCT 29 2007

GREATER ST. LOUIS CONSTRUCTION  
LABORERS WELFARE FUND, et al

v.

GREAT WALLS & WATERFALLS, INC.,

U. S. DISTRICT COURT  
E. DIST. OF MO.  
ST. LOUIS

) Case No. 4:07CV1501SNL  
)  
)  
)  
)

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiffs' Motion for Default Order to compel an accounting of defendant Great Walls & Waterfalls, Inc. Plaintiffs have filed a memorandum in support of their motion. Defendants have not responded or entered an appearance in this matter.

Defendant Great Walls and Waterfalls, Inc. was served with the summons and complaint on August 29, 2007, and has not filed an answer or otherwise entered an appearance. The Clerk entered default against Defendant on October 18, 2007.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, Plaintiffs have moved this Court for an order compelling defendant Great Walls & Waterfalls, Inc. to submit to a financial examination so that Plaintiffs can determine the amounts allegedly owed.

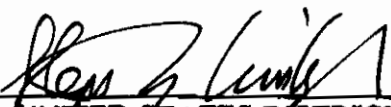
Plaintiffs have established by affidavit of Bernard J. Difani that Defendant is party to a collective bargaining agreement with Laborers Local Unions 42-53-110. This agreement requires Defendant to submit contributions to the Laborers Funds, and authorizes Plaintiffs to examine the financial records of defendant to ascertain whether the required contributions were made. The only way in which Plaintiffs can determine the amount owed is through such financial examination.

WHEREFORE, Plaintiffs' Motion for Default Order of Accounting is hereby

GRANTED. Defendant Great Walls & Waterfalls, Inc. is hereby ordered to provide to Plaintiffs within thirty (30) days of the date of this Order all of its books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to Defendants' employees since October 1, 2005.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE  
10/26/07